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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/775,822	02/05/2001	Yasuharu Oohashi	019519-289	4050

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EXAMINER

FOX, JAMAL A

ART UNIT	PAPER NUMBER
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2664

DATE MAILED: 07/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/775,822

Applicant(s)

OOHASHI ET AL.

Examiner

Jamal A Fox

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,6,7,10 and 12-14 is/are rejected.
- 7) ☒ Claim(s) 3-5,8,9 and 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/775822.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 6 and 10 are objected to because of the following informalities: Claim 6 line 1 after "A", a space needs to be inserted, before "decision". Claim 10 line 1 after "A", a space needs to be inserted, before "decision". Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1, 2, 6, 7, 10 and 12-14 are rejected under 35 U.S.C. 102(a) as being anticipated by Rumiko (H10-023060).

Referring to claim 1, Rumiko discloses a decision-making route control system (Drawing 1) comprising: monitoring means [0017 and 0026, notice section 20 and respective portions of the spec.] for monitoring a state of a network to collect route information and decision elements for decision making;

judging means [0024, failure judging section 18 and respective portions of the spec.] for judging a route switching based on the route information, the decision elements, and predetermined decision conditions;

a decision-making judging computer [0015, terminal unit and respective portions of the spec.] including controlling means [0023, I/O device 10 and respective portions of the spec.] for outputting a route judged by the judging means as control information;

a route generating router [0015 and 0027, backup router] for replacing the control information with route switching information to output the route switching information; and

a route propagating router [0017, master router 1 and respective portions of the spec.] having a routing table [0017, routing table 15], and executing route propagation [0022, routing processing] to a sender router based on routing information in the routing table and route switching information transferred from the route generating router.

Referring to claim 2, Rumiko discloses a decision-making control system according to claim 1, wherein the decision – making judging computer transfers control information generated by a network management protocol [0002, RIP] to the route generating router based on route information collected by the network management protocol and the decision elements for decision making, and the route generating router, the route propagating router, and the sender router execute route propagation based on a routing protocol.

Referring to claim 6, Rumiko discloses a decision-making route control system (Drawing 1) comprising:

monitoring means [0017 and 0026, notice section 20 and respective portions of the spec.] for monitoring a state of a network to collect route information and decision elements for decision making;

judging means [0024, failure judging section 18 and respective portions of the spec.] for judging a route switching based on the route information, the decision elements, and predetermined decision conditions;

a decision-making judging computer [0015, terminal unit and respective portions of the spec.] including controlling means [0023, I/O device 10 and respective portions of the spec.] for outputting a route judged by the judging means as control information;

a route update logical network connecting router [0015 and 0027, backup router] for switching a route from a first list route side to a second route side in updating the route; and

a logical network connecting router [0017, master router 1 and respective portions of the spec.] having route information and a routing table [0017, routing table 15], and executing route propagation to a sender router by reflecting route information on the routing table based on control information transferred from the controlling means, and having a relaying function [0024, fault information section 17-2 and respective portions of the spec.] for relaying information to a first route or a second route in compliance with a route valid/invalid situation transferred from the controlling means based on a network management protocol [0002, RIP].

Referring to claim 7, Rumiko discloses a decision-making route control system according to claim 6, wherein the decision-making judging computer transfers control information generated by the network management protocol [0002, RIP] to the logical network connecting router in compliance with route information collected by the network management protocol and decision elements for decision making, and the logical network connecting router, and the sender router execute route propagation based on a routing protocol.

Referring to claim 10, Rumiko discloses a decision-making route control system (Drawing 1) comprising: monitoring means [0017 and 0026, notice section 20 and respective portions of the spec.] for monitoring a state of a network to collect route information and decision elements for decision making;

judging means [0024, failure judging section 18 and respective portions of the spec.] for judging a route switching based on the route information, the decision elements, and predetermined decision conditions;

a decision-making judging computer [0015, terminal unit and respective portions of the spec.] including a controlling means for outputting a route judged by the judging means as control information;

a control information converting router [0015 and 0027, backup router] for replacing the control information transferred from the controlling means to output it; and

a route propagating router [0017, master router 1 and respective portions of the spec.] having a routing table [0017, routing table 15], and executing route propagation [0022, routing processing] to a sender router based on the control information transferred from the control information converting router and routing information in the routing table.

Referring to claim 12, Rumiko discloses a decision-making route controlling method comprising the steps of:

monitoring [0017 and 0026, notice section 20 and respective portions of the spec.] a state of a network to collect route information and decision elements for decision making;

judging [0024, failure judging section 18 and respective portions of the spec.] a route switching based on collected information and predetermined decision conditions;
outputting a route valid/invalid [acquired packet, 0045] situation of a judged route to a route generating router based on a network management protocol;
replacing [created packet, 0045] the route valid/invalid [error message, 0046] situation transferred based on the network management protocol with route switching information based on a routing protocol;
outputting [copies, 0049] replaced route switching information to a route propagating router [self-backup router]; and
executing [processing, 0049] route propagation to a sender router based on the route switching information and routing information in a routing table [routing table, 0049].

Referring to claim 13, Rumiko discloses a decision-making route controlling method comprising the steps of:

monitoring [0017 and 0026, notice section 20 and respective portions of the spec.] a state of a network to collect route information and decision elements for decision making;

judging [0024, failure judging section 18 and respective portions of the spec.] a route switching based on collected information and predetermined decision conditions;
outputting a route valid/invalid [acquired packet, 0045] situation of a judged route to a logical network connecting router based on a network management protocol;

replacing [created packet, 0045] the route valid/invalid situation transferred by the network management protocol with route switching information based on a routing protocol;

executing [processing, 0049] route propagation to a sender router based on replaced route switching information and routing information in a routing table; and

selecting [output, 0030] a relay [passed, 0035] to a first route or a second route according to the route valid/invalid situation.

Referring to claim 14, Rumiko discloses a decision-making route controlling method comprising the steps of:

monitoring [0017 and 0026, notice section 20 and respective portions of the spec.] a state of a network to collect route information and decision elements for decision making;

judging [0024, failure judging section 18 and respective portions of the spec.] a route switching based on collected information and predetermined decision conditions;

outputting a route valid/invalid [acquired packet, 0045] situation of a judged route to a route propagating router [0017, master router 1 and respective portions of the spec.] based on a routing protocol [0002, RIP];

replacing a sender address [created packet, 0045] of control information transferred by the routing protocol and relaying [outputted, 0045] it to the route propagating router [0017, master router 1 and respective portions of the spec.]; and executing route propagation to a sender router [0015 and 0027, backup router] based on control information and routing information in a routing table [0017, routing table 15].

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bondi.

Referring to claim 1, Bondi discloses a decision-making route control system (Fig. 1, Fig. 6, col. 3 lines 30-33 and col. 4 lines 44-47) comprising: monitoring means (ICMP poll, col. 4 lines 54-65) for monitoring a state of a network to collect route information and decision elements for decision making;

judging means (SNMP, col. 4 lines 45-53) for judging a route switching based on the route information, the decision elements, and predetermined decision conditions;

a decision-making judging computer (Workstation, Fig. 2 and respective portions of the spec.) including controlling means for outputting a route judged by the judging means as control information;

a route generating router (Managed Node Router, Fig. 2 between Link 3 and Access Link 2 and respective portions of the spec.); and

a route propagating router (Managed Node Router, Fig. 2 between Access Link 1 and Link 1 and respective portions of the spec.) having a routing table (routing table, col. 2 lines 10-18 and col. 7 lines 24-34), but does not explicitly teach of the route generating router replacing the control information with route switching information to

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output the route switching information and the route propagating router executing route propagation to a sender based on routing information in the routing table and route switching information transferred from the route generating router. However, routing tables that are stored in an IP topology database are disclosed in (col. 7 lines 30-34). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have included the route generating router replacing the control information with route switching information to output the route switching information and the route propagating router executing route propagation to a sender based on routing information in the routing table and route switching information transferred from the route generating router in order to assist in trouble shooting of network problems and with routing of communications along the networks if the nodes have failed as suggested by Bondi.

Allowable Subject Matter

6. Claims 3-5, 8, 9 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 305-3988, (for formal communications intended for entry)

Or:

(703) 305-3988 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121
Crystal Drive, Arlington, VA. 22202, Sixth Floor (Receptionist).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamal A. Fox whose telephone number is (703) 305-5741. The examiner can normally be reached on Monday-Friday 6:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (703) 305-4366. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9315 for After Final communications.


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

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Jamal A. Fox


**WELLINGTON CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600**